

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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FAIRWAY RESTAURANT EQUIPMENT
CONTRACTING, INC.,

Plaintiff,

vs.

KAKU MAKINO, et al.,

Defendants.

2:13-cv-02155-JCM-NJK

ORDER

Before the Court is Defendant Kaku Makino's Demand for Security of Costs. Docket No. 26. The Court has considered Defendant Makino's Demand, Docket No. 26, Plaintiff Fairway Restaurant Equipment Contracting, Inc.'s Response, Docket No. 28, and Defendant Makino's Reply, Docket No. 29. The Court finds that this motion is properly resolved without oral argument. *See* Local Rule 78-2.

DISCUSSION

It is the policy of the United States District Court for the District of Nevada to enforce the requirements of NRS 18.130 in diversity actions. *Feagins v. Trump Org.*, 2012 WL 925027, *1 (D. Nev. Mar. 19, 2012); *citing Hamar v. Hyatt Corp.*, 98 F.R.D. 305, 305–306 (D.Nev.1983); *Arrambide v. St. Mary's Hosp., Inc.*, 647 F.Supp. 1148, 1149 (D.Nev.1986). Under Nevada law, “[w]hen a plaintiff in an action resides out of the State, or is a foreign corporation, security for the costs and charges which may be awarded against such plaintiff may be required by the defendant.” NRS 18.130(1). The present case is a diversity action and Plaintiff is a non-resident

1 of this state. *See* Complaint, Docket No. 1, at 1. Therefore, Plaintiff is required to provide
2 security in the amount of \$500 per defendant, pursuant to NRS 18.130. *See Feagins*, 2012 WL
3 925027, *1; *see also Truck Ins. Exchange v. Tetzlaff*, 683 F.Supp. 223, 227 (D.Nev.1988).

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5 **CONCLUSION**

6 Based on the foregoing, and good cause appearing therefore,

7 IT IS HEREBY ORDERED that Defendant Kaku Makino's Demand for Security of
8 Costs (Docket No. 26) is GRANTED.

9 IT IS FURTHER ORDERED that Plaintiff shall provide security in the amount of \$500
10 per Defendant no later than August 25, 2014.

11 DATED: August 14, 2014

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16 NANCY J. KOPPE
17 United States Magistrate Judge
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